

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
Harrisonburg Division

SAMUEL JOSEPH ORLANDO,

*Plaintiff*

v.

Civil Action No. 5:23-cv-12

BRISTOL NEAL, et al,

*Defendants*

**MOTION TO QUASH AND FOR PROTECTIVE ORDER**

Donald L. Smith, by counsel, files this motion to quash and for protective order under Fed. R. Civ. P. 26 (c) and 45 (d) regarding a subpoena to appear for a deposition on written questions under Fed. R. Civ. P. 31 scheduled for November 9, 2023. The undersigned conferred in good faith with counsel for plaintiff in an effort to resolve the dispute without court action.

For the reasons set forth in the memorandum in support filed herewith, Sheriff Smith requests that the subpoena be quashed, that a protective order be entered disallowing the Rule 31 deposition and prohibiting any future deposition of Sheriff Smith under Rule 30 or 31, and that he be awarded such other and further relief as this Court deems appropriate, including an award of fees and costs associated with bringing this motion.

DONALD L. SMITH,

By Counsel

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#### CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2023, I have electronically filed this document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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